

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION

UNITED STATES OF AMERICA

PLAINTIFF

VS.

CIVIL ACTION NO. 2:07-CR-23-KS-MTP

ADRIAN WILSON

DEFENDANT

ORDER

This cause is before the Court on Defendant's Motion to Correct an Error in the Record Arising from Oversight or Omission Pursuant to Fed. R. Crim. P. 36. [71]. Wilson's sentence in the instant case was meted out on September 11, 2008. At the time that he was sentenced he was under sentence in a separate case (3:06-cr-119-DPJ-JCS-001) in this Court's Northern Division. There he was sentenced to a term of 37 months on February 21, 2007. The charges to which he plead guilty were "causing a domestic financial institution to fail to file a currency transaction report, Count 1 and structuring transactions to evade reporting requirements, Count 2". This motion alleges that the charges in the instant case arose out of the same transaction as the Northern Division case. The charge in this Division was Conspiracy to Possess with Intent to Distribute a Controlled Substance.

At sentencing he was sentenced to a term of 300 months to run "concurrently with the balance of the sentence in 3:06-cr-119-DPJ-JCS-001". He now asks that the record be corrected to show that his sentence begins to run at the same time as the Northern Division sentence and that he was to be given full credit for his time spent in custody awaiting sentencing herein.

It should be noted that pursuant to a Rule 5K motion by the Government that Wilson's sentence was reduced by Order [66] entered on September 8, 2014, to 216 months in the custody

of the Bureau of Prisons. He was also not allowed the Drugs Minus Two reduction because his term of imprisonment was less than the guideline range applicable to him at the time of the sentencing as a result of substantial assistance departure on a Rule 35 reduction. [68]. On November 30, 2016, the Government filed an additional Rule 35 Motion requesting that Wilson's sentence be reduced to 154 months [69] and by document [70] his term of imprisonment was reduced to 154 months.

The Court finds that the record including the docket sheet and the sentencing order reflect what the Court said and the Court's intention. His sentence in the instant case should run concurrently with the balance of his sentence in case number 3:06-cr-119-DPJ-JCS-001. What this means is that his sentence should be run from September 11, 2008, for 154 months. At the beginning of his sentence he would not have completed his sentence in the Northern Division case. Therefore, instead of ordering that the sentence be served consecutively the Court said that his sentence would run concurrently with the balance of his prior sentence.

Movant is entitled to no correction of the records and no further reduction in his sentence.

NOW, THEREFORE, IT IS HEREBY ORDERED that Defendant's Motion to Correct an Error in the Record [71] be and the same is hereby DENIED.

SO ORDERED this the 25<sup>th</sup> day of April, 2017.

s/Keith Starrett  
UNITED STATES DISTRICT JUDGE